

REMARKS

The Office Action mailed October 7, 2009 has been reviewed and reconsideration of the above-identified application is respectfully requested in view of the following amendments and remarks.

Claims 1-36 are pending and stand rejected.

Claims 1 and 21 are independent claims.

No claims have been amended.

The Specification has not been checked to determine whether possible minor errors exist. Figure 2 is objected to for failing to designate the material illustrated as "Prior Art." Claims 1-36 stand rejected under 35 USC 103(a) as being unpatentable over Smith (USP no. 7,456, 812).

With regard to the objection to Figure 2, applicant has provided herein an amended Figure 2, on a single sheet, annotated as Replacement Sheet, to include the label "Prior Art."

For the submittal of amended Figure 2, applicant submits that the reason for the objection has been overcome.

With regard to the rejection of claims 1-36 under 35 USC 103(a) as being unpatentable over Smith, applicant respectfully disagrees with and explicitly traverses the rejection of the claims.

In rejecting the claims, the Office Action asserts that Smith discloses many of the elements recited in the claims and further acknowledges that Smith fails to disclose "processing means" but that "Smith substantially teaches processing brightness signals from the light-dependent devices of each pixel (Fig. 3, abstract, Col. 7, line 23-col. 10, line 61). Thus, deriving from a plurality of different brightness signals from each pixel a threshold voltage for the drive transistor of the pixel and information relating to the performance of the display

element is deemed to be obvious for no other reason than controlling the brightness level of the display device. (Figs. 3-4, col. 7, line 23-col. 10, line 61)."

A claimed invention is *prima facie* obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings therein. Second, there must be a reasonable expectation of success. And, third, the prior art reference or combined references must teach or suggest all the claim limitation. However, the Court in KSR v. Teleflex (citation omitted) has held that the teaching, suggestion and motivation test (TSM) is merely to be used as a helpful hint in determining obviousness and a bright light application of such a test is adverse to those factors for determining obviousness enumerated in the Graham v. John Deere (i.e., the scope and content of the prior art, the level of ordinary skill in the art, the differences between the claimed invention and the prior art and objective indicia of non-obviousness) (citation omitted).

However, the Court further acknowledged that "a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art... [I]t is important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does. This is so because inventions in most, if not all, instances rely upon building blocks long since uncovered and claimed discoveries almost of necessity will be combinations of what, in some sense, is already known." (citation omitted).

Contrary to the assertion made by the Office Action, Smith fails to render obvious the subject matter recited in the independent claims.

Smith discloses a display driver circuit for an electro-optical displays using organic light emitting diodes, which includes a driver to drive an electro-optic element in accordance with a drive voltage, a photosensitive device optically

coupled to the electro-optical display element to pass a current dependent upon illumination reaching the photosensitive device, a first control device coupled between the photosensitive device and a data line and responsive to a first control signal on a first control line to couple the photosensitive device to the data line, and a second control device coupled between the photosensitive device and the receiver and responsive to a second control signal on a second control line to couple the photosensitive device to the driver. The circuit can be operated in a number of different modes and provides flexible control of an electro-display element.

Smith discloses that the circuitry may be operated in a current controlled mode with optical feedback, in a voltage controlled mode with optical feedback and in a voltage controlled mode without optical feedback. Any or all of these modes may be employed with a light measurement mode to make an ambient light measurement before data is written to a pixel or to input an image after data is written to a pixel. (see col. 8, lines 36-42). Smith further discloses a measurement circuitry can be arranged to measure a photocurrent through a photodiode or a photovoltaic mode of the photodiode when the photodiode is brightly illuminated. The light level measurement may be used to determine the degree of illumination of the OLED or of the OLEDs of adjacent pixels or, for example to characterize the drive circuit. (see col. 10, lines 3-11).

However, Smith fails to teach using multiple brightness setting to a determine threshold voltage, as is recited in the claims.

In this case, applicant believes that the Office Action has impermissibly used the teachings of the instant application as a blueprint to support the conclusion that based on the ability to measure brightness as disclosed by Smith it would be obvious to expand the teachings of Smith to develop a circuit that would teach the claim element to "derive from a plurality of different brightness signals from each pixel a threshold voltage..."

Smith fails to provide any teaching to use a plurality of different brightness signals. Rather, Smith teaches an optical feedback system that may be used to

determine a voltage or current drive setting based on a current brightness level. This voltage or current may be varied as the brightness level varies. Nowhere does Smith teach or suggest using a plurality of different brightness signals to determine a voltage, as is recited in the claims.

Hence, contrary to the reasons for rejecting the claims cited in the Office Action, applicant submits that the reason for the rejection has been overcome as Smith fails to provide any teaching or suggestion, whether explicitly or implicitly, for determining a voltage based on a plurality of brightness levels, as is recited in the claims.

For the remarks made here, applicant submits that the reason for the rejection of the independent claims has been overcome.

With regard to the remaining claims, these claims depend from the independent claims, and, hence, are also not rendered obvious by Smith by virtue of their dependency upon an allowable base claim.

For the remarks made herein, applicant submits that all the claims are allowable and respectfully requests that a Notice of Allowance be issued.

In the event the Examiner deems personal contact desirable in the disposition of this case, the Examiner is invited to call the undersigned attorney at the telephone given below.

No fees are believed necessary for the timely filing of this paper.
However, the Examiner is authorized to charge Deposit Account No.
_____, if any fees are necessary.

Respectfully submitted,
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